

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEITH L. NASH and JAMAR HURSE,

Plaintiffs,

v.

RICK ROBINSON, et al,

Defendants.

Case No. C09-5178RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Plaintiff's Motion for Reconsideration [Dkt. #35]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

Plaintiffs seek reconsideration of two orders. The first is Magistrate Judge Creatura's Order denying appointment of counsel [Dkt. #28]. This Court cannot reconsider an order of a Magistrate Judge. The proper procedure is to file objections to the Order within 14 days of service pursuant to Fed. R. Civ. P. 72(a). The Order was entered on February 1, 2010 and this motion for reconsideration was filed March 10, 2010. The motion for reconsideration to the extent it can be construed as an objection is not timely and is **DENIED**.

Plaintiffs also seek reconsideration of this Court's Order adopting the Magistrate Judge's Report and Recommendation denying class certification [Dkt. #34]. Under Local Rule CR7(h), motions for reconsideration are disfavored and will be denied absent a showing of manifest error or a showing of new

1 facts or legal authority which could not have been presented earlier with reasonable diligence. That
2 standard has not been met in this case. The Motion for Reconsideration [Dkt. #35] is **DENIED**.

3 **IT IS SO ORDERED.**

4 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party
5 appearing pro se.

6 Dated this 15th day of March, 2010.

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9 RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE